

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Plaintiff Kevin Jones, proceeding pro se and in forma pauperis, filed the within action on November 14, 2011, alleging that he is a brother/cousin of “James Joseph Jones AKA Brown known as the Godfather of Soul Music.” ECF No. 1. Plaintiff contends that Defendants South Carolina Attorney General and Judge Doyet Early rewrote Mr. Brown’s last will and testament against Mr. Brown’s wishes. Plaintiff further contends that Defendants Lab Corp and Dr. George Maha provided him with fraudulent DNA test results. Plaintiff contends his civil rights have been violated. See 42 U.S.C. § 1983.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge Joseph R. McCrorey for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to the provisions of 28 U.S.C. § 1915. On December 9, 2011, the Magistrate Judge issued a Report and Recommendation in which he determined that (1) Defendant South Carolina Attorney General is entitled to prosecutorial immunity; (2) Defendant Judge Early is entitled to judicial immunity; (3) Plaintiff makes mere conclusory allegations as to Defendant South Carolina Attorney General; and (4) there is no evidence that Defendants Lab Corp and Dr.

Maha acted under color of state law, as required by § 1983. Accordingly, the Magistrate Judge recommended that the case be summarily dismissed, without prejudice.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

Plaintiff filed a motion to amend his complaint on December 27, 2011. Plaintiff may amend his complaint as a matter of course pursuant to Fed. R. Civ. P. 15. Therefore, Plaintiff's motion to amend (ECF No. 13) is **granted**. The additional facts provided by Plaintiff do not change the disposition of this case, however.

Plaintiff filed objections to the Report and Recommendation on March 5, 2012 and March 8, 2012. Plaintiff essentially reasserts the allegations of his complaint and argues that Defendants South Carolina Attorney General and Judge Early have civil rights issues against African Americans. ECF No. 18, 2. Plaintiff contends that Defendant Judge Early should not receive immunity because other judges do not receive immunity when they commit crimes. ECF No. 19 (attaching newspaper articles). The district court need not conduct a de novo review when a party makes only general and conclusory objections that do not direct the court to a specific error in the Magistrate Judge's proposed findings and recommendations. Orpiano v. Johnson, 687 F.2d 44, 47-48 (4th Cir. 1982). Nevertheless, the court has thoroughly examined the record. Plaintiffs objections are without merit.

The court adopts the Report and Recommendation and incorporates it herein by reference.

Plaintiff's complaint is summarily dismissed without prejudice.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
Chief United States District Judge

Columbia, South Carolina

March 9, 2012

NOTICE OF RIGHT TO APPEAL

**Plaintiff is hereby notified of the right to appeal this order
pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.**